

BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

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In the Matter of

Advanced Television Systems  
and Their Impact upon the  
Existing Television Broadcast  
Service

MM Docket No. 87-268

To: The Commission

**REPLY COMMENTS OF  
WRNN-TV ASSOCIATES LIMITED PARTNERSHIP**

WRNN-TV Associates Limited Partnership, the licensee of WRNN-TV, Kingston, New York ("WRNN"), by counsel and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.45 (1995), hereby submits its reply to the comments filed on the Sixth Notice of Proposed Rulemaking ("NPRM") in the above-referenced docket.

**BACKGROUND**

In its comments, WRNN voiced its support for the Commission's over-arching concern to ensure that the digital television ("DTV") spectrum is used efficiently and effectively to guarantee that introduction of DTV fully serves the public interest.<sup>1/</sup> WRNN cautioned, however, that the Commission's proposed DTV allotment plan might unjustly harm smaller stations such as WRNN whose current NTSC channels and transitional DTV allotments both lie outside the core.<sup>2/</sup> WRNN requested that the Commission -- if it does

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<sup>1/</sup> Comments of WRNN-TV Associates Limited Partnership ("WRNN Comments"), MM Docket No. 87-268 (November 22, 1996).

<sup>2/</sup> Id. at 2.

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adopt a core station system -- ensure first that alternative DTV channels inside the core do not exist for these stations' DTV allotments, before assigning the broadcasters transitional stations outside the core. Otherwise, if core channels are not available, transitional assignments outside the core will require stations to undertake a later, second switch at an undetermined, future date (to a core channel, if and when the spectrum becomes available).

Thus, WRNN also indicated that it favors the Commission's proposed creation of a subsidy mechanism whereby new licensees would compensate broadcasters for the cost of relocating to DTV channels in the core spectrum.<sup>3/</sup> This type of financial support, WRNN explained, is integral for smaller, independent broadcasters, for whom having to face alone the significant costs associated with multiple channel switches could serve as a fatal blow to their financial viability. Only with financial support guaranteed will stations such as WRNN be able to continue to direct valuable resources toward the provision of public interest programming.<sup>4/</sup>

## DISCUSSION

A review of the comments filed in this proceeding reveals support for WRNN's positions.<sup>5/</sup> In particular, like WRNN the Broadcasters Caucus also opposes the Commission's proposed creation of a system of licensees with DTV channels outside the core

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<sup>3/</sup> WRNN Comments at 6, citing Sixth NPRM at ¶ 26.

<sup>4/</sup> WRNN Comments at 7.

<sup>5/</sup> As a threshold matter, an overwhelming majority of the commenters who filed in this proceeding oppose the Commission's core spectrum model. On this point, WRNN simply wishes to incorporate the well-reasoned arguments against this proposal set forth in the Broadcasters comments by reference hereto. See Broadcasters Comments at 25.

whereby certain licensees would have to build facilities, even with the knowledge that a second switch to a different channel could take place at anytime at the end of a transitional period.<sup>6/</sup> WRNN agrees with the Broadcasters that this would result in a severe competitive disadvantage for stations like WRNN, whose channel-related marketplace identity will be compromised when forced to transfer to a third channel when the spectrum becomes available.<sup>7/</sup> This is in addition to the lost identity and viewer confusion which will result from the first switch away from the NTSC to a different, digital channel.

Multiple channel switches threaten stations' valuable association with viewers; these relationships are forged through substantial time and effort on the part of stations. Consequently, WRNN concurs with Comcorp of Texas, Inc. that unnecessary public disruption and substantial costs to licensees should be avoided to the fullest extent possible by avoiding transitional DTV assignments which will result in double channel shifts.<sup>8/</sup> The Commission's Sixth NPRM appears, however, to unjustly favor larger stations, while penalizing smaller, independent stations which have already gone to great lengths to develop identification with viewers in their markets. In this regard, Cannell Cleveland, L.P.'s comments echo a sentiment raised by WRNN in its comments<sup>9/</sup>: "The proposals appear to exacerbate the still-extant disparity between UHF and VHF stations' service capabilities, and in doing so, tend to favor established network affiliates at the expense of UHF independent

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<sup>6/</sup> Broadcasters Comments at 38.

<sup>7/</sup> Id. at 38.

<sup>8/</sup> Comments of Comcorp of Texas, Inc. at 1; see also Comments of Harris Corporation at 4 (citing channel identity concerns).

<sup>9/</sup> See WRNN Comments at 6-7.

stations . . . which in spite of these significant hurdles have established themselves as highly-rated, competitive stations."<sup>10/</sup>

Meredith Corporation's ("Meredith") comments takes this argument one step further. In particular, Meredith Corporation points out the Commission's core channel proposal and attendant plans to assign certain stations transitional channels outside that core would create a "caste system," leaving stations first given channels outside the core as mere "second-class citizens," forced to wait upon stations with both channels in the core to make their ultimate channel choice, and turn back in their analog license before the "peasant" station outside the core could fully implement DTV.<sup>11/</sup> Meredith's comments point out that broadcasters with channel assignments within the core will realize a tremendous competitive advantage over a station outside the core, and that the former will have an incentive to delay, or otherwise frustrate the latter's DTV implementation.<sup>12/</sup> WRNN agrees with Meredith that if the Commission does decide to enact a core channel plan, the Commission must guard against a regulatory environment which fosters disparate treatment of stations, and creates artificial, competitive advantages for larger stations at the expense of those stations outside the core, which tend to be smaller, independent stations.<sup>13/</sup>

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<sup>10/</sup> Comments of Cannell Cleveland, L.P. at 2.

<sup>11/</sup> Comments of Meredith Corporation at 11.

<sup>12/</sup> See Id. at 12.

<sup>13/</sup> Similarly, in its comments WWWB-TV Company cites the damaging disruption to viewing habits which would result from requiring such stations to undergo multiple switches in implementation of DTV, in contravention of the public interest. Comments of WWWB-TV Company at 3.

Therefore, under any core channel model implemented, WRNN repeats its earlier support for the Commission's position that new licensees should be required to compensate broadcasters for the cost of relocating to DTV channels inside the core. Alternatively, if the Commission decides not to require new licensees to compensate broadcasters for such costs, WRNN reiterates its belief in the need for creation of a subsidy mechanism to help defray the costs incurred by broadcasters whose transitional DTV assignment outside the core will mandate a later switch to another channel position within the core.<sup>14/</sup>

Support for this stance is evident in the comments filed. For instance, both the Broadcasters and Macon Urban Ministries, Inc. advocate compensating existing broadcasters with NTSC channels 60-69 for the costs associated with migrating to DTV channels within the core.<sup>15/</sup> Further, Cannell Cleveland, L.P., states that a compensation scheme must be established to subsidize stations' investments in the requisite equipment (e.g., DTV transmitters and related equipment) for transitional assignments outside the core, where the utility of the equipment remains transitory at best, yet the costs real: "At a minimum, [the Commission] must develop a scheme of compensation for those licensees that must invest in soon-to-be useless equipment to place them on a more competitive footing with other stations that do not face such financial costs."<sup>16/</sup> With the necessary subsidies in place, eligible

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<sup>14/</sup> WRNN Comments at 6-7.

<sup>15/</sup> Broadcasters Comments at 15; Comments of Macon Urban Ministries, Inc. at 4.

stations like WRNN will continue to devote their precious resources toward the provision of public interest programming.<sup>17/</sup>

## CONCLUSION

WRNN's comments made clear the need for the Commission to ensure, in implementing rules necessary for the transition to DTV, that smaller stations' ability to serve their markets with valuable public interest programming is not threatened by the costs incurred by such stations' switch to DTV. Therefore, WRNN recommended that if the Commission does implement a core channel model (assuming alternative channel assignments within the core are not available), such stations required to undertake a second switch receive financial support to defray such costs associated with this move. A review of the comments

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<sup>17/</sup> In this regard, WRNN supports the tenor of the comments of the Benton Foundation and others, that the Commission should assign digital licenses to promote broadcasters' public interest obligations. See, e.g., Comments of Benton Foundation at 7-8. Additionally, the logical corollary of this proposition is that the Commission should pursue DTV policies which protect the ability of stations such as WRNN to serve their markets with public interest programming.

submitted in this proceeding has not altered, but only intensified, the need for the Commission to adopt such proposals to promote a fair, efficient transition to DTV.

Respectfully submitted,

**WRNN-TV ASSOCIATES LIMITED  
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